

JUDGE ROBINSON  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUDD KAROFSKY,

Plaintiff,

-against-

JOIE DE VIVRE, INC.,

Defendants.  
-----X

08 CV 01007

**COMPLAINT**

**PLAINTIFF DEMANDS A  
TRIAL BY JURY**

Plaintiff, JUDD KAROFSKY, by his attorneys LAW OFFICES OF DANIEL M. TANENBAUM, complaining of the Defendant herein, respectfully alleges the following upon information and belief:

1. At all times hereinafter mentioned, the Plaintiff herein was and still is a citizen of the State of New York and resided in the County of Westchester.
2. Upon information and belief, at all times hereinafter mentioned, the Defendant, JOIE DE VIVRE, INC., was and still is a domestic corporation under the laws of the State of California.
3. The matter in controversy exceeds, exclusive of interest and costs, the sum of seventy-five thousand dollars (\$75,000.00).
4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Section 1332 based upon the diversity of citizenship of the parties and the amount in controversy.
5. Plaintiff resides in the Southern District of New York and therefore venue is properly placed in the United States District Court for the Southern District of New York.
6. Defendant is the owner of the Hotel Vitale, among other hotels, (the "Hotel") located at 8 Mission Street, San Francisco, California 94105.

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7. On or about June 28, 2007, the Plaintiff was a registered guest at the Hotel Vitale and was assigned a room at the Hotel for his use and occupancy.
8. On June 29, 2007, while Plaintiff was a guest in the Hotel, Plaintiff was kidnapped from the Hotel bar, drugged, assaulted, robbed and left wounded in an alley in Chinatown, San Francisco.
9. Other incidents of similar patterns of criminal activity were recorded to have taken place at Hotels throughout the San Francisco metropolitan area particularly from Hotels similar to Defendant with a Hotel bar and Defendant knew or should have known of the incidents.
10. Notwithstanding these facts, Defendant had inadequate security at said bar insofar as the Defendant employed only one bouncer at the bar and no additional security.
11. Defendant had a duty to Plaintiff and other business invitees to provide a safe and secure environment.
12. The Defendant negligently breached said duty by failing to provide adequate and safe protection to the Plaintiff while the Plaintiff was a guest in the Hotel. Further, the Defendant failed to exercise reasonable care and make reasonable provisions for the guests in its Hotel, specifically the Plaintiff, against foreseeable damages resulting from intentional or criminal conduct on the part of individuals entering and remaining in the Hotel, and the Defendant was negligent in failing to properly supervise and control the entrances to the Hotel and to control the ingress and egress to the upper floors of its Hotel.
13. As a result of Defendant's negligence, Plaintiff sustained permanent personal injuries and was rendered sick and disabled which require and will continue to require future medical

attention.

14. As a result of the foregoing, the Plaintiff has been damaged in an amount to be determined by the court at the time of trial, together with interest, costs and disbursements of this action.

WHEREFORE, Plaintiff demands a judgment against Defendant, on the first cause of action in an amount to be determined by the court at the time of trial, together with interest, costs and disbursements of this action, and such other relief as this Court deems just and proper.

Plaintiff demands a trial by jury pursuant to Federal Rule of Civil Procedure 38B.

Dated: Great Neck, New York  
January 14, 2008

LAW OFFICES OF  
DANIEL M. TANENBAUM

By.:



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